

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1616**

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**Introduced by Assembly Member Garrick**

February 23, 2007

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An act to ~~repeal~~ *amend* Section 19517.5 of the Business and Professions Code, relating to horse racing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Garrick. Horse racing: controlled substances: administrative hearings.

Existing law requires enforcement proceedings relating to the use of prohibited substances during a horse race be referred to the Office of Administrative Hearings for adjudication, as specified.

This bill would ~~repeal that provision~~ *instead require referral to a Board of Stewards, or a hearing officer appointed by the California Horse Racing Board.*

*Existing law also provides that the California Horse Racing Board shall neither modify nor amend a proposed decision by the administrative law judge so as to increase any sanction or penalty contemplated in the proposed decision, and that the board may, by means of a written decision that includes the reasons for its decision, modify or amend a proposed decision by the administrative law judge so as to decrease, mitigate, or suspend a sanction or penalty contemplated in the proposed decision.*

*The bill would repeal those provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 19517.5 of the Business and Professions~~  
2     ~~Code is amended to read:~~

3     19517.5. (a) Enforcement proceedings that allege the use of  
4     a prohibited substance, as defined under class I, class II, or class  
5     III of the board's schedule of prohibited substances, shall be  
6     referred ~~directly to the Office of Administrative Hearings to a~~  
7     ~~hearing officer or Board of Stewards that is appointed by the~~  
8     ~~board,~~ for administrative adjudication and preparation of a  
9     proposed decision for action by the board, ~~unless both the licensee~~  
10    ~~and the board waive that referral.~~

11    (b) The hearing before ~~an administrative law judge a duly~~  
12    ~~appointed hearing officer or Board of Stewards~~ shall commence  
13    no later than 90 days after the filing of the accusation. The  
14    ~~administrative law judge may extend the hearing date~~ *may be*  
15    ~~extended~~ only upon a showing of good cause to the earliest possible  
16    hearing date beyond the 90-day period, provided a written order  
17    and the reasons for the continuance are filed with the board.

18    (c) No later than 20 days before the hearing, the licensee shall  
19    post a bond with the paymaster of purses for the amount of the  
20    purse or purses in question and received by the licensee. The bond  
21    shall be in cash, or a surety bond that meets the requirements of  
22    the board.

23    (d) (1) The board shall neither modify nor amend a proposed  
24    decision by the ~~administrative law judge~~ *hearing officer or Board*  
25    ~~of Stewards~~ so as to increase any sanction or penalty contemplated  
26    in the proposed decision.

27    (2) The board may, by means of a written decision that includes  
28    the reasons for its decision, modify or amend a proposed decision  
29    by the administrative law judge so as to decrease, mitigate, or  
30    suspend a sanction or penalty contemplated in the proposed  
31    decision.

32    ~~SECTION 1. Section 19517.5 of the Business and Professions~~  
33    ~~Code is repealed.~~